

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Friday July 20, 2018
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

MINUTES

Members present: Chairman Mark Liotta, Commissioner Jordan Russell and Commissioner Megan Tilly.

Staff present to support the Commission: Lindsey Christopher, Dana Esparza and Monica Pack.

STATEMENT OF OKLAHOMA OPEN MEETING LAW
COMPLIANCE

Notice of this Regular Meeting was filed with the Secretary of State's office on Monday, November 13, 2017 at 9:05 a.m., in compliance with the Open Meeting Act.

The Agenda was posted more than 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 North Stiles, the Commission's principal office.

CALL TO ORDERPresiding Appellate Officer, Chairman Liotta

Call to order 9:00 a.m. by Chairman Liotta, Presiding Appellate Officer.

ROLL CALLPresiding Appellate Officer, Chairman Liotta

After the roll call was taken, Chairman Liotta announced the presence of a Quorum.

A. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

Marvin Lee Hopkins v. ESPN & Indemnity Insurance Co. of North America, File # CM2014-09998J

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Esther M. Sanders represented the Claimant. Jack B. Fried and Cyrus Nathaniel Lawyer represented the Respondent.

Motion:

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Marcella Ayisi v. Sequel Youth & Family Services LLC & Travelers Indemnity Co. of America, File #CM2015-06146X

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Jeffrey M. Cooper & Bob Burke represented the Claimant and Mia C. Rops represented the Respondent.

Motion:

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and instructed Appellate Counsel or other staff member to draft a proposed order with findings of fact and conclusions of law and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

**Johnnie Mae Brown v. A New Haven Transportation (No Insurance),
File #CM2016-02956A**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Pam Cornett represented the Claimant and Dana L. Gish represented the Texas Mutual Insurance. No appearance was made on behalf of New Haven Transportation.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take this case under advisement.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

**Dan Mitchell v. American Airlines Inc. & New Hampshire Insurance
Co., File #CM2016-06177Y**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Ray Lahann represented the Claimant and Jordan S. Ensley represented the Respondent.

Motion:

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

**Terri Jean Fitzwilson v. AT&T Corp. & Old Republic Insurance Co.,
File #CM2016-08088Q**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Darrell Paul and Eric Quandt represented the Claimant. Nichole S. Bryant represented the Respondent.

Motion:

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and

issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Gordon Carriger v. City of Claremore (Own Risk #20096), File #CM2017-01056X

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. J.L. Franks represented the Claimant and Jennifer Ahrend represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take this case under advisement.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

Donna Brooks v. Oklahoma Sports Science & Orthopedics & CompSource Mutual Ins. Co (FKA CompSource Oklahoma), File #CM2017-04655J

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Reagan D. Sifferman represented the Claimant and John S. Oldfield, Jr. represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved preliminary action to modify the Administrative Law Judges Order to strike inaccurate sentence and instructed Appellate Counsel or other staff member to draft a proposed order with correction and issue an order remanding the matter to the Administrative Law Judge for further proceedings.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

**Cody Gann v. Trinity Industries Inc. & Ace American Insurance Co.,
File #CM2017-07707F**

Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. Pam Cornett represented the Claimant and Travis A. Fulkerson is the attorney of record for Respondent.

Motion:

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

B. Commission Consideration of Adoption of Final Order in the Following Case:

Cynthia Harwell v. City of Del City (Own Risk #11388) File #CM2015-01284J

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Jeffrey M. Cooper represented the Claimant. Heather A. Lehman Fagan represented the Respondent.

This case came on for Oral Argument on June 15, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement. A proposed order has been distributed to the Commissioners for consideration of adoption.

Motion: Commissioner Tilly moved to adopt the proposed order.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ORDER ADOPTED

Robert J. Hudson, Jr. v. Probuild Holdings Inc. & Liberty Mutual Insurance Co., File #CM2015-08091Y

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Darrel Paul represented the Claimant and Christopher Crouch the Respondent.

This case came on for Oral Argument on June 15, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement. A proposed order has been distributed to the Commissioners for consideration of adoption.

Motion: Commissioner Tilly moved to adopt the proposed order.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ORDER ADOPTED

Thomas E. Tanner v. American Airlines & New Hampshire Insurance Co., File #CM2017-05203R

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Bryce A. Hill represented the Claimant and Dale Kimsey represented the Respondent.

This case came on for Oral Argument on June 15, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to reverse the Administrative Law Judges Order and instruct Appellate Counsel or another staff member to draft a proposed order for consideration at a future meeting. A proposed order has been distributed to the Commissioners for consideration of adoption.

Motion: Commissioner Tilly moved to adopt the proposed order as modified at the hearing.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ORDER ADOPTED

C. Announcements

Commission's next special business meeting is Thursday, August 3, 2018.
Commission's next regular meeting regarding Appeals is scheduled for Friday, August 17, 2018.

ADJOURNMENT

Motion: Commissioner Tilly moved to adjourn the meeting at approximately 3:08 p.m.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.